

Washington, Wednesday, November 3, 1937

PRESIDENT OF THE UNITED STATES.

EMERGENCY BOARD, PACIFIC ELECTRIC RAILWAY-EMPLOYEES

By the President of the United States of America

A PROCLAMATION

WHEREAS the President, having been duly notified by the National Mediation Board that a dispute between the Pacific Electric Railway, a carrier, and certain of its employees represented by Brotherhood of Railroad Trainmen which dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, amended, now threatens substantially to interrupt interstate commerce within the state of California to a degree such as to deprive that section of the country of essential transportation service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of 3 persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate the aforementioned dispute and report its findings to me within thirty days from this date.

The members of this board shall be compensated for and on account of such duties in the sum of \$75.00 dollars for every day actually employed with or upon account of travel and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72nd Congress, Approved June 30, 1932, 11:30 a m., not to exceed five (\$5.00) dollars per diem for expenses incurred for subsistence.

All expenditures of the board shall be allowed and paid for out of the appropriation "Emergency Boards, Railway Labor Act, May 20, 1926, 1938" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 30th day of October in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty second.

FRANKLIN D ROOSEVELT

By the President SUMNER WELLES Acting Secretary of State

[No. 2259]

[F. R. Doc. 37-3217; Filed, November 2, 1937; 11:22 a. m.]

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

IT. D. 47721

STATEMENT OF "AGE" AND "KIND" ON SPIRITS WITHDRAWN FROM CISTERNS PRIOR TO APRIL 1, 1937

To District Supervisors and Others Concerned:

Paragraphs "(o)" and "(p)" of Article 1 of Regulations No. 13, approved May 24, 1937, shall not be applicable to distilled spirits withdrawn from cisterns at registered distilleries prior to April 1, 1937.

[SEAL]

WAYNE C. TAYLOR, Acting Secretary of the Treasury.

Approved October 30, 1937.

[F. R. Doc. 37-3215; Filed, November 2, 1937; 11:01 a. m.]

WAR DEPARTMENT.

REGULATIONS GOVERNING ENTRANCE TO PORT ALEXANDER, ALASKA, DURING IMPROVEMENT OPERATIONS AT THIS PORT

OCTOBER 13, 1937.

1. On March 18, 1931, the Secretary of War approved regulations governing the use, administration, and navigation of the Outer Entrance (from Chatham Straits) of Port Alexander, Alaska, for the purpose of preventing interference with the operations of the United States in the improvement of this harbor entrance, pursuant to the provisions of Section 7 of the River and Harbor Act of August 8, 1917.

2. As the operations at this locality have been completed and there is no longer any necessity for these regulations, I recommend that they be revoked.

[SEAL]

G. B. PILLSBURY,

Brigadier General, Acting Chief of Engineers.

Recommendation approved October 15, 1937.

HARRY H. WOODRING, Secretary of War.

E. T. CONLEY.

Major General, The Adjutant General.

[F. R. Doc. 37-3212; Filed, November 2, 1937; 9:39 a. m.]

[2nd Indorsement]

REVOCATION OF REGULATIONS FOR MONROE HARBOR (RAISIN RIVER AND LAKE ERIE), MICHIGAN

SEPTEMBER 23, 1937.

1. On July 5, 1916, the Secretary of War prescribed rules and regulations for the use and navigation of Monroe Har-

12 F. R. 1070 (DI).



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bor (Entrance Channel and Canal), Michigan, which placed the canal and its appurtenances in charge of the District Engineer, defined the harbor entrance and the extent of the canal, prescribed speed limits and prohibited the unauthorized use, occupancy and injury of Government piers, docks and lands adjoining the waterway.

2. The piers, which were a primary matter of concern, were removed in 1935, the channel has been lengthened, widened, straightened and supplemented by a turning basin, and the land formerly within Government boundary lines along the river now forms part of the river. A Port Authority has been created under Michigan Statutes to regulate and govern port activities at the locality. The special regulations prescribed in 1916 are, therefore, no longer needed since existing general regulations are sufficient to meet navigation requirements on this waterway.

3. Accordingly, I recommend that the special regulations for Monroe Harbor (Entrance Channel and Canal), Michigan, prescribed by the Secretary of War July 5, 1916, be

revoked.

[SEAL] G. B. PILLSBURY,

Brigadier General, Acting Chief of Engineers.

Recommendation in the foregoing 2nd indorsement approved September 25, 1937.

HARRY H. WOODRING, Secretary of War.

E. T. CONLEY,

Major General, The Adjutant General.

[F. R. Doc. 37-3211; Filed, November 2, 1937; 9:39 a. m.]

[2nd Indorsement]

REVOCATION OF REGULATIONS FOR ST. CLAIR FLATS SHIP CANAL,
MICHIGAN

SEPTEMBER 24, 1937.

1. On February 15, 1907, the Department prescribed special rules and regulations for the use and navigation of the St. Clair Flats Ship Canal, Michigan, which defined the canal as comprising the dikes, the water between the dikes and for a width of 300 feet west of the west dike, and the improved channels of approach; provided for the appointment of a custodian to direct the movement of all vessels, boats, or other floating things in the canal; established rules for the navigation of the canal; and prohibited the willful damage or injury of the revetment of the dikes, the trees growing thereon, and the buildings or other public property pertaining to the canal or the dikes.

2. In 1934 the west dike, together with the buildings and trees thereon, was removed, the channel of the canal was widened and deepened and no custodian is now appointed or required to direct the movement of craft through the canal. General rules and regulations governing navigation are sufficient to adequately meet the requirements of navigation on this waterway. Accordingly, I recommend that the special rules and regulations prescribed on February 15, 1907, by the Secretary of War to govern the use and navigation of

St. Clair Flats Ship Canal be revoked.

SEAL] G. B. PILLSBURY,

Brigadier General, Acting Chief of Engineers.

Recommendation in the 2nd indorsement approved September 27, 1937.

HARRY H. WOODRING, Secretary of War.

E. T. CONLEY, Major General, The Adjutant General.
[F. R. Doc. 37-3213; Filed, November 2, 1937; 9:39 a. m.] [2nd Indorsement]

REVOCATION OF LOGGING REGULATIONS GOVERNING MISSISSIPPI RIVER, BETWEEN MOUTH OF CHIPPEWA RIVER AND HEAD OF WEST NEWTON SLOUGH

SEPTEMBER 1. 1937.

On August 3, 1900, the Secretary of War approved logging regulations for the Mississippi River between the mouth of Chippewa River, Wisconsin, and the head of West Newton Slough. Since no drives of logs have been made for many years and lumbering as a large scale industry has ceased in this area, the banning of logging from the Mississippi River will cause little or no hardship to any individual or company. Commercial and pleasure craft will undoubtedly increase after completion of the 9-foot channel project on the Mississippi and it appears inadvisable to permit the floating of loose timber and sack rafts in the river below Minneapolis, the present head of this project. I recommend, therefore, that the logging regulations approved August 3, 1900, be revoked.

[SEAL]

M. C. TYLER,

Brigadier General Acting Chief of Engineers.

Recommendation in the foregoing 2nd indorsement approved September 3d, 1937.

Louis Johnson, The Assistant Secretary of War.

E. T. CONLEY,

Major General, The Adjutant General.

[F. R. Doc. 37-3210; Filed, November 2, 1937; 9:39 a. m.]

FEDERAL HOME LOAN BANK BOARD.

Home Owners' Loan Corporation.

AMENDING INSURANCE CHAPTER (IX) OF THE MANUAL

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, Section 900, Section 901, Section 902, and Section 903, of the Consolidated Manual are hereby amended to read as follows:

SEC. 900. All activities of the Corporation relating to insuring and maintaining appropriate insurance on property of the Corporation and properties upon which the Corporation holds liens shall be handled by the Insurance Section, which shall operate under the general supervision of the General Manager and under the direct and immediate supervision of the Manager of the Insurance Section who shall be charged with the duty and responsibility of supervising and directing all such insurance activities and the maintenance of adequate records therefor. The Manager of the Insurance Section shall have the authority to establish adequate Home and Field Office organizations to carry out the rules and regulations prescribed by the Board under such procedure and limitations as may be recommended by him and approved by the General Manager and the General Counsel.

Sec. 901. The Insurance Section shall establish requirements as to the amount and kind of insurance to be maintained by mortgagors and on owned property in the various states and territories. No insurance policy shall be accepted unless written by an insurance company, association, or organization licensed to do business in the particular state or territory, or specifically authorized by state law to transact business within the state or territory where the property is located and whose policy forms are acceptable to the Insurance Section.

Sec. 902. The Manager of the Insurance Section, or his authorized deputy, shall approve vouchers for payment of any proper charge or expense for any item of insurance and

11 F. R. 1331.

the same shall be paid and charged to the proper account, except charges for additional premiums due to increased hazard shall be paid from the Regional Working Fund upon proper approval of the Regional Insurance Supervisor or his assistant.

Sec. 903. The Insurance Section shall be charged with the responsibility of adjusting and settling all losses sustained on any property owned by the Corporation or securing a mortgage held by the Corporation, except that in the event an amicable settlement cannot be reached and litigation appears to be immediately imminent or court proceedings appear to be immediately necessary, the matter shall be referred to the Litigation Division of the Legal Department for appropriate action. Insurance loss funds may be applied to the proper account or used for the restoration, repair or improvement of properties damaged, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

Employees of the Corporation authorized to sign or countersign checks drawn on a disbursing account of the Corporation, maintained in the United States Treasury, are designated and directed to endorse for the Corporation, without recourse, insurance loss drafts where the total amount of the individual loss on property securing the mortgage debt is not over \$100.00, upon receipt of approved certificate signed by the borrower certifying that the property has been or will be satisfactorily repaired; and to transmit the draft to the mortgagor.

Be it further resolved, That such authorization to endorse drafts as provided in the last paragraph of Section 903 may be extended to any District Manager or Subdistrict Manager upon the recommendation of the Manager of the Insurance Section and the approval of the General Manager.

Be it further resolved, That all previous actions of the Board and of the Board of Directors insofar as they conflict with the provisions of this resolution, are hereby superseded and revoked.

Be it further resolved, That the provisions of this resolution shall become effective November 22, 1937.

Adopted by the Federal Home Loan Bank Board on November 1, 1937.

[SEAL]

R. L. NAGLE, Secretary.

[F. R. Doc. 37-3216; Filed, November 2, 1937; 11:08 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade
Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1937.

[Docket No. 3088]

IN THE MATTER OF OLIVER BROTHERS, INC., A CORPORATION; AND W. D. ALLEN MFG. CO., A CORPORATION, BLACK HARDWARE CO., A CORPORATION, JACOBI HARDWARE CO., A CORPORATION, MATTHEWS & BOUCHER, A CO-PARTNERSHIP COMPOSED OF WILLIAM G. FISHER AND WILLIAM S. JOHNSON, CHARLOTTE SUPPLY CO., A CORPORATION, VIRGINIA-CAROLINA HARDWARE CO., A CORPORATION; AND GLOBE CRAYON CO., INC., A CORPORATION, E. V. CRANDALL OIL & PUTTY MFG. CO., INC., A CORPORATION, CHAS. F. BAKER & CO., INC., A CORPORATION, KEYSTONE EMERY MILLS, A CORPORATION, JAS. CORNER & SONS, A SOLE PROPRIETORSHIP, JAMES A. REILLY, SOLE PROPRIETOR, RESPONDENTS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A. Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 8, 1937, at ten o'clock in the forenoon of that day (eastern standard time), Room 338, Victoria Hotel, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 37-3214; Filed, November 2, 1937; 9:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of November, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LAND-OWNERS' ROYALTY INTERESTS IN THE GULF-CARTER-JAMES-ALLEN-WALKER-HALL TRACT, FILED ON OCTOBER 15, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNAT-ING TRIAL EXAMINER

Louis Bernstein, having filed on October 15, 1937, with the Securities and Exchange Commission, an offering sheet for the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

In that the statement concerning the percentage of water in fluid produced from the tract involved, as set forth under Division II, Item 20 (b), is considered misleading for the reason that it appears that said tract is currently producing in excess of 28 per cent water in fluid produced, and that the percentage of water production has, for the past several months, been greatly in excess of that shown by the offering sheet.

It is ordered, Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, That the taking of testimony in this proceeding commence on the 16th day of November, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

Francis P. Brasson, Secretary.

[F. R. Doc. 37-3220; Filed, November 2, 1937; 12: 49 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of November, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LAND-OWNERS' ROYALTY INTERESTS IN THE GULF-CARTER-JAMES-WALKER TRACT, FILED ON OCTORER 13, 1937, BY LOUIS BERN-STEIN, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNAT-ING TRIAL EXAMINER

Louis Bernstein, having filed on October 13, 1937, with the Securities and Exchange Commission, an offering sheet for the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

In that the statement concerning the percentage of water in fluid produced from the tract involved, as set forth under Division II, Item 20 (b), is considered misleading for the reason that it appears that said tract is currently producing in excess of 32 per cent water in fluid produced, and that the percentage of water production has, for the past several months, been greatly in excess of that shown by the offering sheet.

It is ordered, Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, That the taking of testimony in this proceeding commence on the 16th day of November, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3219; Filed, November 2, 1937; 12:49 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1937.

[File No. 32-72]

IN THE MATTER OF NORTHERN BERKSHIRE GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Northern Berkshire Gas Company, a subsidiary of New England Power Association, a registered holding company pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for the exemption from the provisions of Section 6 (a) of the issuance and sale of 43 shares of its \$100 par value common stock to be issued in exchange for all the outstanding capital stock of Charlemont Electric Light and Power Company, consisting of 50 shares of the par Value of \$100 each which are now owned by Massachusetts Lighting Companies, in order to effect the consolidation of Charlemont Electric Light and Power Company with the applicant; this consolidation has been approved by Massachusetts Department of Public Utilities;

It is ordered, That a hearing on such matter be held on November 18, 1937, at 10 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 13, 1937.

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3218; Filed, November 2, 1937; 12:49 p. m.]

United States of America—Before Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 29th day of October, A. D., 1937

IN THE MATTER OF MICHIGAN-UTAH CONSOLIDATED MINES CO. CAPITAL STOCK, PAR VALUE 25 CENTS

ORDER POSTPONING HEARING INSTITUTED PURSUANT TO SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934

The Commission having directed under date of October 22, 1937, that pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934 a hearing be held at the Commission's Regional Office, 1706 Welton Street, Denver, Colorado, at 10:00 A. M. on November 9, 1937, to determine whether registration of the Capital Stock, Par Value 25 Cents, of Michigan-Utah Consolidated Mines Company should be suspended for a period not exceeding twelve months or be withdrawn; and

It appearing to the Commission that Foster Cline, hereinbefore designated as the officer to conduct said proceedings, is under subpoena to appear as a witness in the United States District Court at Tulsa, Oklahoma, on or about said date:

It is ordered, That the hearing heretofore called for November 9, 1937, be held at the same hour and place on November 19, 1937; and

It is further ordered, That for the purpose of such proceedings Foster Cline, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL]

Francis P. Brassor, Secretary.

[F. R. Doc. 37-3221; Filed, November 2, 1937; 12:49 p. m.]

VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

DISAPPEARANCE OF INCOMPETENT VETERANS; PAYMENT TO DEPENDENTS

R-1281 (A). Under veterans' regulation no. 1 (g).-Where an incompetent veteran receiving or entitled to receive pension (compensation) under either Part I or Part II of the Veterans' Regulation No. 1 series, disappears or has disappeared and for ninety days or more thereafter his whereabouts remains unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the Veteran the amounts authorized for surviving dependents under the Veterans' Regulation No. 1, series, Parts I and II respectively, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or April 1, 1935 (effective date of Veterans' Regulation No. 1 (g)), whichever is the later, provided that in no event will the monthly amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance; provided, further, that the amounts authorized for surviving dependents under Part I of Veterans' Regulation No. 1 series will be the amounts authorized under Section 3 of Public No. 304, 75th Congress. from or after the date of its approval, August 16, 1937. The provisions of this subparagraph are applicable only to the cases of incompetent veterans receiving or entitled to receive pension or compensation under either Part I or Part II of the Veterans' Regulation No. 1 series.

(B) Under section 8 of Public, No. 304, 75th Congress.— Where an incompetent World War veteran receiving or en-

¹² F. R. 2674 (DI).

titled to receive compensation under Public No. 141, 73d Congress, disappears or has disappeared and for ninety days or more thereafter his whereabouts remains unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amount of compensation payable to dependents of deceased veterans who die from war service connected disabilities as provided in Section 3 of Public No. 304, 75th Congress, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or August 16, 1937, whichever is the later, provided that in no event will the monthly amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance.

(C) Awards to dependents will be prepared in accordance with effective awards procedure and will bear the notation "Veterans' Regulation No. 1 series, Part VI", where pension (compensation) is payable under Part I or Part II of the Veterans' Regulation No. 1 series, or "Section 8 of Public No. 304, 75th Congress", where compensation is payable under Public No. 141, 73d Congress. Apportionments of payments shall be in accordance with R. & P. R-2592.

(D) Where a veteran's whereabouts becomes known to the Veterans' Administration after an award to dependents has been made as provided herein, the award to the dependents will be discontinued, effective the last day of the month in which the award action is taken, and appropriate action will be taken to adjust the veteran's award in accordance with the facts found. (November 1, 1937.)

[SEAL]

FRANK T. HINES,
Administrator of Veterans' Affairs.

IF. R. Doc. 37-3208; Filed, November 1, 1937; 3:21 p. m.l

REVISION OF REGULATIONS

OUT-PATIENT MEDICAL TREATMENT

R-6060 (A). The provisions of regulations and procedure governing medical, surgical, and dental services, including necessary prosthetic appliances and other supplies authorized by Veterans' Regulation No. 7 (a), other than those incident to domicilliary or hospital care, for veterans of wars as defined in paragraph I of Veterans' Regulation No. 10 and paragraph IV of Veterans' Regulation No. 10, as amended by paragraph I of Veterans' Regulation No. 10 (e), and for persons honorably discharged from the United States Army, Navy, Marine Corps or Coast Guard for disability in line of duty, or who are in receipt of pension for service-connected disability, suffering from injuries or diseases incurred or aggravated in the line of duty in the active military or naval service, in so far as they are not inconsistent with the provisions of Veterans' Regulation No. 7 (a) are hereby continued in effect, except that a formal claim for compensation or pension will not be required of an applicant for the benefits of Veterans' Regulation No. 7 (a). (January 25, 1936.)

(B) Adjunct out-patient treatment for a nonservice-connected condition which is associated with a disease or injury incurred or aggravated in line of duty in active military or naval service will be authorized by chief medical officers or their designates, after careful determination that the associated nonservice-connected condition is aggravating the

disability from the basic service-connected disease or injury. For applicable principles, see procedure, medical. (November 1, 1937.)

[SEAL]

FRANK T. HINES, Administrator of Veterans' Affairs.

[F. R. Doc. 37-3209; Filed, November 1, 1937; 3:21 p. m.]

REVISION OF REGULATIONS MISREPRESENTATION OF AGE

Validity of Enlistment a Prerequisite to Entitlement

R-1061 (A). In desertion at time of enlistment.—A veteran in desertion who reenlisted and served honorably is not barred from pension, if otherwise entitled by reason of his honorable service, unless the reenlistment was affirmatively

voided by the service department.

(B) Misrepresentation of age.-Title 10, U. S. C. A., in Paragraphs 654 and 654a provides that a person who enlisted in the Army between April 6, 1917, and November 11, 1918, and was discharged for fraudulent enlistment on account of misrepresentation of age, shall be considered to have been honorably discharged. The same provisions are extended by Title 34, U. S. C. A., Paragraph 204, to a person who enlisted in the Navy or Marine Corps between April 6. 1917, and November 11, 1918. (A. D. 306.) Paragraph 655, as amended by Public No. 108, 75th Congress, provides that a person who enlisted in the army between April 21, 1898. and July 4, 1902, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge. If the discharge was for fraudulent enlistment on account of misrepresentation of age by the veteran's statement alone, benefits may be awarded from January 5, 1927, if otherwise entitled; but where the individual was discharged because of fraudulent enlistment on account of minority, benefits, if otherwise in order, are payable from May 25, 1937. The determination whether the veteran should be considered to have been honorably discharged under this section will be made by the War Department and such determination will be binding on the Veterans' Administration. (November 1, 1937.)

Types of Discharges for Service Pension (Spanish-American War, Boxer Rebellion, Philippine Insurrection, Civil War, and Indian Wars)

R-2040 (A). An honorable discharge is a prerequisite for service pension, including pension on the basis of Indian War service, such pension being based upon the fulfillment of a contract for service as contemplated by the soldier's enlistment, and a person discharged under other than honorable conditions for concealing his minority at time of enlistment is not entitled to such pension, except as provided in R. & P. R-1061 (B). Pension is not payable unless the veteran was honorably discharged from all periods of service in the particular war concerned, except as provided in R. & P. R-2041. November 1, 1937.)

[SEAL]

Frank T. Hines, Administrator of Veterans' Affairs.

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